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ROBERT LEE HARTLEY JR.  
1109 BARBADOS AVENUE  
MARION OH 43302

**COPY MAILED**

**APR 03 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Lohr, et al	:	
Application No. 10/782,516	:	
Filed: February 18, 2004	:	ON PETITION
Attorney Docket No. 04015	:	
For: COMPOSITE HINGED DOOR AND	:	
INSERT THEREFOR	:	

This is a decision on the petition under 37 CFR 1.137(a), filed February 10, 2006 to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that the above-identified application became abandoned for failure to submit a reply to the August 10, 2004 Notice to File Missing Parts of Nonprovisional Application, which set an extendable two month period for reply. No reply being received, the Office considered this application abandoned on October 11, 2004. A Notice of Abandonment was mailed on May 13, 2005.

Petitioner asserts that the August 10, 2004 Notice was not received in practitioner's office. Petitioner argues that the failure of the USPTO to respond to a number of status inquiries makes the delay in responding to the August 10, 2004 Notice unavoidable and unintentional.

A review of the record indicates no irregularity in the mailing of the August 10, 2004 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record.

A review of transmittal submitted with the original application papers reveals that the Office was **expressly directed** to send correspondence to Customer Number 29879, which is:

ROBERT LEE HARTLEY JR.  
1109 BARBADOS AVENUE  
MARION OH 43302

The above address is precisely where the August 10, 2004 Notice was mailed.

A review of later filed correspondence leads the undersigned to believe that petitioner should have typed 20879, not 29879 on the transmittal letter.

An applicant is responsible for specifying a correct correspondence address. A delay caused by the failure on the part of the petitioner to provide the Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

The application became abandoned because applicant did not inform the Office of the correct correspondence address; therefore, the petition under 37 CFR 1.137(a) is dismissed.

Petitioner is strongly encouraged to file a petition to revive under the unintentional standard of 137(b). A copy of the August 10, 2004 Notice is enclosed to allow petitioner to file a proper reply with the Rule 137(b) petition.

It is noted that only one of the two inventors has signed the declaration for patent application. A Rule 47a petition may be required for Mr. Lohr, if he has refused to sign the declaration or cannot be reached, despite diligent effort.

It would be inappropriate to enter the power of attorney/change of correspondence address signed by Mr. Brown at this time because Mr. Lohr's interest has not been accounted for.

(1) An assignee, complying with 37 CFR 3.73(b), intervening in Mr. Lohr's place,  
(2) a grantable Rule 47(a) petition, or (3) Mr. Lohr's signature on the power of attorney/change of correspondence address is required to effectuate the changes.

A courtesy copy of this decision will be mailed to the customer number listed on the declaration.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions

Enclosure: August 10, 2004 Notice to File Missing Parts of Nonprovisional Application

CC: EMCH, SCHAFFER, SCHAUB & PORCELLO CO  
P O BOX 916  
ONE SEAGATE SUITE 1980  
TOLEDO, OH 43697



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/782,516	02/18/2004	Dwight W. Lohr	04015

29879  
ROBERT LEE HARTLEY JR.  
1109 BARBADOS AVENUE  
MARION, OH 43302

CONFIRMATION NO. 4707

FORMALITIES LETTER



\*OC000000013491094\*

Date Mailed: 08/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Carlita Ma*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY